

AMENDED IN SENATE AUGUST 18, 2003

AMENDED IN SENATE JULY 14, 2003

AMENDED IN SENATE MAY 28, 2003

AMENDED IN ASSEMBLY APRIL 28, 2003

AMENDED IN ASSEMBLY MARCH 28, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL**No. 296**

Introduced by Assembly Member Mullin

February 6, 2003

An act to add Section 17215.3 to the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 296, as amended, Mullin. Schools: aircraft noise.

Existing law establishes various site selection, seismic safety, and fitness-for-occupancy requirements applicable to school facilities.

This bill would make findings and declarations regarding mitigating the impact of aircraft noise on schools and would require the State Department of Education to convene an advisory group to evaluate issues related to the impact of aircraft noise on schools, as specified. The bill would require the department to submit a preliminary and final report of its findings and recommendations, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 17215.3 is added to the Education Code, to read:

17215.3. (a) The Legislature finds and declares all of the following:

(1) It is a goal of the Legislature to promote safety and ensure that pupils are able to learn in an environment that has adequate acoustic insulation.

(2) Pursuant to Sections 5012 and 5014 of Title 21 of the California Code of Regulations, a public or private school of standard construction that is inside a 65 dB CNEL boundary that does not have adequate acoustic performance to ensure an interior equivalent sound level (Leq) of 45 dB or less in all classrooms, due to aircraft noise, is an incompatible land use *if the airport proprietor has not acquired an aviation easement for noise*.

(3) Since October 1, 1998, the Federal Aviation Administration (FAA) has not approved remedial noise mitigation measures for new incompatible development that occurs in the vicinity of airports under the Airport Noise Compatibility Program, also known as the Part 150 program. Thus, federal funding of sound abatement for schools is in jeopardy.

(4) Pursuant to FAA regulations, *in order to be considered a compatible land use*, a school located in a 65 dB ~~to 70 dB, inclusive, CNEL noise contour, that does not have at least a 25 dB reduction, is an incompatible land use.~~ *to 70 dB, inclusive, CNEL noise contour, should include construction methods to achieve at least a 25 dB outdoor-to-indoor noise level reduction.*

(5) Poor classroom acoustics in areas with increased noise resulting from aircraft operations exacts a social cost of impairing the education of children.

(6) It is necessary to explore ways to mitigate the impact of noise from aircraft operations on education.

(b) As used in this section, the following terms have the following meanings:

(1) “Airport Noise Compatibility Program,” or “Part 150 program,” means a program that sets forth the measures that an airport operator has taken or has proposed for the reduction of existing incompatible land uses and the prevention of additional

1 incompatible land uses within the area covered by noise exposure
2 maps.

3 (2) “CNEL” or “community noise equivalent level” means
4 the noise metric adopted by the state for evaluating airport noise
5 exposure.

6 (3) “Decibel” or “dB” means the relative logarithmic measure
7 of sound.

8 (4) “Equivalent sound level (Leq)” means a measure of
9 average noise exposure resulting from the accumulation of sound
10 levels over a particular time period of interest--for example, one
11 minute, one hour, an eight-hour schoolday, nighttime, or a full 24
12 hour day.

13 (5) “Noise contour” means continuous lines of equal noise
14 level usually drawn around a noise source, including, but not
15 limited to, an airport. The lines are generally drawn in 5-decibel
16 increments so that they resemble elevation contours in
17 topographical maps.

18 (6) “Portable classroom” means a temporary structure not
19 constructed with a permanent foundation containing one or more
20 rooms, each of which is designed, intended, and equipped for use
21 as a place for formal instruction of pupils by a teacher in a school.

22 (c) (1) ~~The department~~ *State Department of Education* shall
23 convene an advisory group to evaluate issues and prepare a report
24 related to noise caused by aircraft operations and the effects on
25 public schools located in a 65 dB CNEL noise contour.

26 (A) The advisory group report shall include, but not be limited
27 to, information on all of the following:

28 (i) The number of airports that have 65 dB CNEL boundaries
29 that extend into the community.

30 (ii) The number of schoolsites that are in a 65 dB CNEL noise
31 contour.

32 (iii) The extent to which aircraft noise is a reported problem for
33 schools in a 65 dB CNEL noise contour.

34 (iv) Methods by which schools located in a 65 dB CNEL noise
35 contour address noise problems caused by aircraft noise.

36 (v) Methods by which schools fund sound abatement.

37 (vi) The incidence of construction activity at schools located in
38 a 65 dB CNEL noise contour.

1 (B) The advisory group shall provide the ~~department~~ *State*
2 *Department of Education* with recommendations that address all
3 of the following:

4 (i) Whether aircraft noise is a significant reported problem for
5 schools located in a 65 dB CNEL noise contour.

6 (ii) Whether the problem may be solved through legislation or
7 regulation.

8 (iii) The role of entities represented in the advisory group in a
9 proposed solution.

10 (iv) The anticipated financial costs incurred in implementing
11 the proposed solutions.

12 (2) (A) The membership of the advisory group shall be
13 comprised of one representative from each of the following:

14 (i) The ~~department~~ *State Department of Education*.

15 (ii) The Office of Public School Construction.

16 (iii) The Division of the State Architect.

17 (iv) The State Allocation Board.

18 (v) The Division of Aeronautics.

19 (B) The advisory group shall request participation from each of
20 the following:

21 (i) The FAA.

22 (ii) School districts with schools in a 65 dB CNEL noise
23 contour.

24 (d) Based on the report prepared by the advisory group, the
25 ~~department~~ *State Department of Education* shall submit a
26 preliminary report on its findings and recommendations to the
27 Legislature no later than April 1, 2004, and make a final report on
28 its findings and recommendations to the Legislature, the Senate
29 Committee on Education, and the Assembly Committee on
30 Education, no later than July 1, 2004.

31 (e) It is the intent of the Legislature that costs incurred by the
32 state pursuant to this section be absorbed within the existing
33 resources of the entities enumerated in subparagraph (A) of
34 paragraph (2) of subdivision (c).